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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0505 JSW
)	
Plaintiff,)	
)	
v.)	PROPOSED ORDER AND
)	STIPULATION EXTENDING TIME
ANTONIO MELENDEZ-TORRES,)	UNDER RULE 5.1 AND EXCLUDING
aka Antonio Torres Melendez,)	TIME UNDER THE SPEEDY TRIAL ACT
)	
Defendant.)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on the instant matter May 18, 2006 for defendant's initial appearance on the complaint. On May 18, 2006, the matter was continued to June 6, 2006 for a detention hearing and to set an arraignment / preliminary hearing. On June 6, 2006, the matter was continued to June 16, 2006 for detention hearing and to set an arraignment / preliminary hearing. On June 16, 2006, the matter was continued to June 26, 2006 for detention hearing and to set an arraignment / preliminary hearing. On June 26, 2006, the matter was again continued to July 21, 2006 for detention hearing and for arraignment / preliminary hearing.

2. On June 26, 2006, Assistant Public Defender Steven G. Kalar, who represents the defendant, requested an exclusion of time from June 26, 2006 to July 21, 2006, based on

1 effective preparation and continuity of counsel. The defendant agreed to an extension of time for
 2 the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of
 3 time under the Speedy Trial Act. The parties are involved in discussions which appear likely to
 4 lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension
 5 of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree
 6 that the time from June 26, 2006 to July 21, 2006 should be extended under Rule 5.1(d) and
 7 excluded in computing the time within which an information or indictment must be filed. See 18
 8 U.S.C. § 3161(h)(8)(A) and (B)(iv).

9 3. In light of the foregoing facts, the failure to grant the requested exclusion would
 10 unreasonably deny counsel for the defense the reasonable time necessary for effective
 11 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
 12 be served by the Court excluding the proposed time period. These ends outweigh the best
 13 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

14 4. For the reasons stated, the time period from June 26, 2006 to July 21, 2006 is extended
 15 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18
 16 U.S.C. § 3161(h)(8)(A).

17
 18 IT IS SO STIPULATED.

19
 20 DATED: July 21, 2006

Respectfully Submitted,

21
 22 /S/
 23 NAHLA RAJAN
 Special Assistant United States Attorney

24 DATED: August 1, 2006

25 STEVEN G. KALAR
 Counsel for Antonio Melendez-Torres

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27
 28 DATED: 8-7-06


 HONORABLE MARIA-ELENA JAMES
 United States Magistrate Judge